

1                   UNITED STATES DISTRICT COURT  
2                   WESTERN DISTRICT OF TEXAS  
3                   AUSTIN DIVISION

4           UNITED STATES OF AMERICA   ) Docket No. A 22-CR-187(1) RP  
5           vs.                         )  
6           STEVE RAY SHICKLES, JR.   ) Austin, Texas  
7   )  
8   )  
9   September 26, 2022

10   TRANSCRIPT OF REARRAIGNMENT/PLEA  
11   BEFORE THE HONORABLE DUSTIN M. HOWELL

12   APPEARANCES:

13   For the United States:   Mr. Matthew B. Devlin  
14   Assistant U.S. Attorney  
15   903 San Jacinto Boulevard,  
16   Suite 334  
17   Austin, Texas 78701

18   For the Defendant:      Mr. Horatio R. Aldredge  
19   Assistant Federal Public Defender  
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27   Proceedings reported by digital sound recording,  
28   transcript produced by computer aided-transcription.

1 (Proceedings commence at 2:04 p.m.)

2 THE CLERK: The Court calls the following cases  
3 for a guilty plea: 1:19-CR-130-LY, United States of  
4 America vs. Juan Christopher Penilla.

5 MR. DEVLIN: Matthew Devlin for the United  
6 States.

7 MR. ALDREDGE: Horatio --

8 MS. VAZQUEZ: Amber Vazquez for Mr. Penilla.

9 THE CLERK: 1:22-CR-187-RP, U.S.A. vs. Steve Ray  
10 Shickles, Jr.

11 MR. DEVLIN: Matthew Devlin for the United  
12 States.

13 MR. ALDREDGE: And Horatio Aldredge for Mr.  
14 Shickles.

15 THE CLERK: 1:22-CR-198, Daniel  
16 Coahuilas-Coahuilas.

17 MR. DEVLIN: Matthew Devlin for the United  
18 States.

19 MR. ALDREDGE: Horatio Aldredge for Mr.  
20 Coahuilas.

21 THE CLERK: And 1:22-CR-204, Felipe  
22 Ramos-Beltran.

23 MR. DEVLIN: Matthew Devlin for the United  
24 States.

25 MR. ALDREDGE: Horatio Aldredge for Mr.

1 Ramos-Beltran.

2 THE COURT: Good afternoon.

3 The parties are here for a guilty plea in  
4 accordance with Rule 11 of the Federal Rules of Criminal  
5 Procedure.

6 Ms. Thomson, if you will please administer the  
7 oath.

8 THE CLERK: If each of you, would you please  
9 raise your right hands. Thank you.

10 Do you solemnly swear or affirm that the  
11 testimony which you may give in the case before the Court  
12 shall be the truth, the whole truth, and nothing but the  
13 truth? Mr. Penilla?

14 DEFENDANT PENILLA: Yes, I swear.

15 THE COURT: Mr. Shickles?

16 DEFENDANT SHICKLES: Yes.

17 THE COURT: Mr. Coahuilas?

18 DEFENDANT COAHUILAS-COAHUILAS: Yes.

19 THE COURT: Mr. Ramos-Beltran?

20 DEFENDANT RAMOS-BELTRAN: Yes.

21 THE COURT: Do you understand that you are now  
22 under oath and that if you answer any of my questions  
23 falsely, your answers may be used against you in another  
24 prosecution for perjury or for making a false statement?

25 DEFENDANT PENILLA: Yes, sir, I do.

1 DEFENDANT SHICKLES: Yes, your Honor.

2 DEFENDANT COAHUILAS-COAHUILAS: Yes.

3 DEFENDANT RAMOS-BELTRAN: Yes.

4 THE INTERPRETER: "Yes" by both.

5 THE COURT: In order to take your guilty plea, I  
6 need to advise you of several rights and ask you a series  
7 of questions that are intended to ensure that you  
8 understand what you are doing by pleading guilty. If you  
9 didn't understand anything that I say, or if you have a  
10 question or want to speak with your attorney at any time,  
11 please just stop me. This is important because you can't  
12 come back later and say that you didn't understand what  
13 you were doing.

14 I will advise you that this hearing will be  
15 recorded. We'll start by having each of you state your  
16 full name, please, starting with you, Mr. Penilla, your  
17 full name.

18 DEFENDANT PENILLA: Juan Christopher Penilla.

19 DEFENDANT SHICKLES: Steve Ray Shickles, Jr.

20 DEFENDANT COAHUILAS-COAHUILAS: Daniel  
21 Coahuilas-Coahuilas.

22 DEFENDANT RAMOS-BELTRAN: Felipe Ramos-Beltran.

23 THE COURT: I am a United States Magistrate  
24 Judge. You have the right to plead before the district  
25 court, instead.

1           Have you discussed this issue fully with your  
2 attorney?

3           DEFENDANT PENILLA: Yes, your Honor.

4           DEFENDANT SHICKLES: I have, your Honor.

5           DEFENDANT COAHUILAS-COAHUILAS: Yes.

6           DEFENDANT RAMOS-BELTRAN: Yes.

7           THE INTERPRETER: "Yes" by both.

8           THE COURT: Do you understand your right to have  
9 the district judge hear your plea?

10          DEFENDANT PENILLA: Yes.

11          DEFENDANT SHICKLES: Yes, your Honor.

12          DEFENDANT COAHUILAS-COAHUILAS: Yes.

13          DEFENDANT RAMOS-BELTRAN: Yes.

14          THE INTERPRETER: "Yes" by both.

15          THE COURT: Do you waive your right to plead in  
16 front of the district court?

17          DEFENDANT PENILLA: Yes, your Honor.

18          DEFENDANT SHICKLES: Yes, your Honor.

19          DEFENDANT COAHUILAS-COAHUILAS: Yes.

20          DEFENDANT RAMOS-BELTRAN: Yes.

21          THE INTERPRETER: "Yes" by both.

22          THE COURT: Does the government consent to have  
23 me hear the defendants' pleas?

24          MR. DEVLIN: Yes in all cases.

25          THE COURT: Thank you.

1 I find that both parties consent to have me  
2 conduct the guilty plea proceeding. I will remind counsel  
3 that as required by Rule 5(f), the United States is  
4 ordered to produce all exculpatory evidence to the  
5 defendants pursuant to Brady vs. Maryland and its progeny.  
6 Not doing so in a timely manner may result in sanctions,  
7 including exclusion of evidence, adverse jury  
8 instructions, dismissal of charges, and contempt  
9 proceedings.

10 Some questions to you, Ms. Vazquez, and, Mr.  
11 Aldredge. Have you had sufficient time to discuss this  
12 case with your client?

13 MS. VAZQUEZ: I have, your Honor.

14 MR. ALDREDGE: Yes, your Honor, with all three.

15 THE COURT: Have you discussed the charges and  
16 any possible defenses?

17 MS. VAZQUEZ: Yes, we have.

18 MR. ALDREDGE: Yes, your Honor.

19 THE COURT: Have you explained his constitutional  
20 and statutory rights?

21 MS. VAZQUEZ: Yes, I have.

22 MR. ALDREDGE: I have, your Honor.

23 THE COURT: Have you explained the sentencing  
24 guidelines and other sentencing factors?

25 MS. VAZQUEZ: I have gone over those, your Honor.

1 MR. ALDREDGE: Yes, your Honor.

2 THE COURT: Do you believe your client has a  
3 factual and rational understanding of these proceedings?

4 MS. VAZQUEZ: He does.

5 MR. ALDREDGE: Yes, your Honor, I do.

6 THE COURT: Any doubt as to his competence to  
7 enter a plea?

8 MS. VAZQUEZ: No, your Honor.

9 MR. ALDREDGE: No, your Honor.

10 THE COURT: To the defendants, have you had  
11 enough time to speak with your attorney?

12 DEFENDANT PENILLA: Yes, your Honor.

13 DEFENDANT SHICKLES: Yes, your Honor.

14 DEFENDANT COAHUILAS-COAHUILAS: Yes.

15 DEFENDANT RAMOS-BELTRAN: Yes.

16 THE INTERPRETER: "Yes" by both.

17 THE COURT: Have you told your attorney  
18 everything you know about the facts and circumstances  
19 leading to your arrest?

20 DEFENDANT PENILLA: Yes, your Honor.

21 DEFENDANT SHICKLES: Yes, your Honor.

22 DEFENDANT COAHUILAS-COAHUILAS: Yes.

23 DEFENDANT RAMOS-BELTRAN: Yes.

24 THE INTERPRETER: "Yes" by both.

25 THE COURT: Have you discussed the charges and

1 any possible defenses?

2 DEFENDANT PENILLA: Yes, your Honor.

3 DEFENDANT SHICKLES: Yes, your Honor.

4 DEFENDANT COAHUILAS-COAHUILAS: Yes.

5 DEFENDANT RAMOS-BELTRAN: Yes.

6 THE INTERPRETER: "Yes" by both.

7 THE COURT: Do you have any mental or physical  
8 condition that affects your ability to understand today's  
9 proceedings?

10 DEFENDANT PENILLA: No.

11 DEFENDANT SHICKLES: No, your Honor.

12 DEFENDANT COAHUILAS-COAHUILAS: No.

13 DEFENDANT RAMOS-BELTRAN: No.

14 THE INTERPRETER: "No" by both.

15 THE COURT: Are you under the influence of any  
16 medication, drugs, or alcohol that affect your ability to  
17 understand what you're doing today?

18 THE DEFENDANT: No, your Honor.

19 DEFENDANT SHICKLES: No, your Honor.

20 DEFENDANT COAHUILAS-COAHUILAS: No.

21 DEFENDANT RAMOS-BELTRAN: No.

22 THE INTERPRETER: "No" by both.

23 THE COURT: Are you satisfied with your  
24 attorney's representation?

25 DEFENDANT PENILLA: Yes, I am.

1 DEFENDANT SHICKLES: Yes, your Honor.

2 DEFENDANT COAHUILAS-COAHUILAS: Yes.

3 DEFENDANT RAMOS-BELTRAN: Yes.

4 THE INTERPRETER: "Yes" by both.

5 THE COURT: We have a plea agreement in Mr.  
6 Penilla's case, correct, Mr. Devlin?

7 MR. DEVLIN: Mr. Penilla's case and Mr. Shickles'  
8 case.

9 THE COURT: Will you summarize those for me?

10 MR. DEVLIN: I'm going to have to summarize them  
11 separately, Judge, only because the one for Mr. Shickles  
12 is from Alabama. It's a little bit different but nothing  
13 too much, but I figure it might be better to just simply  
14 separate them.

15 So Mr. Penilla's plea agreement can be  
16 summarized: Defendant has agreed to waive indictment and  
17 plead guilty to Count 1 of a superseding information,  
18 charging him with conspiracy to possess with intent to  
19 distribute controlled substances, in violation of Title  
20 21, United States Code, Section 846. Should the Court  
21 accept his guilty plea, the government agrees to move to  
22 dismiss after sentencing the remaining charges against the  
23 defendant to which he did not enter a plea of guilty, to  
24 not further criminally prosecute defendant for the conduct  
25 giving rise to the charge contained in the superseding

1 information, based on the facts set forth in the agreement  
2 or for other known conduct, and to recommend that the  
3 defendant be sentenced to the low end of the adjusted  
4 guideline range or the recommendation is not binding on  
5 the Court.

6                 Should the defendant fail to meet his obligations  
7 under the plea agreement, the United States Attorney would  
8 be released from any duty to comply with the plea  
9 agreement; and under those circumstances, defendant would  
10 be subject to prosecution for all offenses arising from  
11 this or any other investigation and subject to other  
12 possible consequences set forth in the plea agreement.

13                 The Court shall determine the defendant's  
14 sentence in accordance with Title 18, United States Code,  
15 Section 3553(a) after considering the application of the  
16 sentencing guidelines. The guidelines are advisory, not  
17 binding, although the Court is required to consider them.  
18 The defendant understands he will not be permitted to  
19 withdraw his guilty plea because the Court does not accept  
20 the government's sentencing recommendation. Finally, the  
21 defendant waives his right to appeal his conviction and/or  
22 sentence under any ground except where the sentence  
23 imposed by the Court exceeds the maximum sentence  
24 authorized by statute. The defendant also waives his  
25 right to contest his conviction and/or sentence at any

1 postconviction proceeding, except he does not waive the  
2 right to challenge his sentence based on ineffective  
3 assistance of counsel or prosecutorial misconduct of  
4 constitutional dimension. And that, in summary, is Mr.  
5 Penilla's plea agreement.

6           Would you like me to proceed with Mr. Shickles'  
7 plea agreement?

8           THE COURT: Yes, if you would.

9           MR. DEVLIN: The plea agreement between the  
10 United States Attorney for the Northern District of  
11 Alabama and Defendant Steven Ray Shickles, Jr. may be  
12 summarized as follows: Defendant has agreed to plead  
13 guilty to Count 1 of an information, charging him with  
14 wire fraud, in violation of Title 18, United States Code,  
15 Section 1343. Should the Court accept the defendant's  
16 guilty plea and subject to defendant's good conduct as set  
17 forth in paragraph 8 of the plea agreement the government  
18 agrees to recommend at sentencing that:

19           One, defendant receive a guidelines reduction for  
20 acceptance of responsibility;

21           Two, that he receive a term of imprisonment  
22 consistent with the greater of the low end of the advisory  
23 guidelines range as found by the Court or time -- the time  
24 the defendant has served in custody at the time of  
25 sentencing;

1           Three, that defendant be placed on supervised  
2 release upon completion of his term of imprisonment;

3           Four, that he pay a fine in accordance with the  
4 sentencing guidelines and paid in full prior to the  
5 expiration of his supervised release, and finally, that he  
6 pay a \$100 special assessment.

7           The defendant understands that the recommended  
8 sentence -- sentencing disposition is not binding on the  
9 Court, that the Court may reject the sentencing  
10 recommendation, and that the defendant cannot withdraw his  
11 guilty plea if the Court does not accept the sentencing  
12 recommendation. The defendant waives his right to appeal  
13 his conviction and/or sentence on any ground except where  
14 the sentence imposed by the Court exceeds the maximum  
15 sentence authorized by statute, exceeds the guideline  
16 range determined by the Court at the time of sentencing.  
17 Defendant also waives his right to contest his conviction  
18 and/or sentence in any postconviction proceeding, except  
19 defendant does not waive the right to challenge his  
20 sentence based on ineffective assistance of counsel. And  
21 that, in summary, is the plea agreement.

22           I would like to note one inaccuracy in the plea  
23 agreement. I'll let Mr. Aldredge confirm or deny that.  
24 It does state on page 12 that the defendant is -- it's  
25 essentially saying that he's not a citizen of the United

1 States. I think that was mistaken in the plea agreement.  
2 It was probably meant to say that if he is not a citizen,  
3 then these certain consequences would flow from that. It  
4 is my understanding that Mr. Shickles is a citizen. So  
5 we'd like to correct that portion on page 12 of the plea  
6 agreement for the record.

7 MR. ALDREDGE: That is correct, your Honor. He  
8 is a U.S. citizen.

9 THE COURT: Do we need to file anything  
10 reflecting that correction or is there -- is it enough  
11 that we just say it here on the record and acknowledge it  
12 here?

13 MR. DEVLIN: I think it's enough. It just simply  
14 I think was -- the purpose of that was to probably put in  
15 some boilerplate language advising the defendant that if  
16 he's not a citizen, then these consequences could flow  
17 from it. So I think that was just a mistake that referred  
18 to him --

19 MR. ALDREDGE: And when I read it, frankly, I  
20 mean, we went over the plea agreement in detail and I came  
21 to that, I just assumed it was an advisal about if you are  
22 not a citizen.

23 THE COURT: Okay.

24 MR. ALDREDGE: But it actually reads since you  
25 are not a citizen.

1                   THE COURT: Okay. Well, duly noted. Thank you  
2 for that.

3                   MR. DEVLIN: Thank you.

4                   THE COURT: Mr. Penilla, have you read the plea  
5 agreement?

6                   DEFENDANT PENILLA: Yes, we went through it.

7                   MS. VAZQUEZ: There is one change I noticed on  
8 the front page that states his attorney is Gerry Morris.  
9 As much as I respect Gerry Morris, I am not Gerry Morris.

10                  THE COURT: Right.

11                  MS. VAZQUEZ: But it is the one I just saw even  
12 though we have gone over this in detail on the substance.

13                  THE COURT: Okay. Mr. Shickles, have you read  
14 your plea agreement?

15                  DEFENDANT SHICKLES: Yes, your Honor.

16                  THE COURT: Did you discuss the plea agreement  
17 with counsel? Mr. Penilla, did you discuss the plea  
18 agreement with your attorney?

19                  DEFENDANT PENILLA: Yeah.

20                  THE COURT: Mr. Shickles?

21                  DEFENDANT SHICKLES: Yes, your Honor.

22                  THE COURT: Did you understand it before you  
23 signed it?

24                  DEFENDANT PENILLA: Yes.

25                  DEFENDANT SHICKLES: Yes, your Honor.

1           THE COURT: Do you agree to be bound by it?

2           DEFENDANT PENILLA: Yes.

3           DEFENDANT SHICKLES: Yes, your Honor.

4           THE COURT: As Mr. Devlin noted, the plea  
5 agreement includes a waiver of your right to appeal. That  
6 includes both direct appeals and collateral attacks. The  
7 exceptions to that waiver are limited. They include  
8 claims of ineffective assistance of counsel, prosecutorial  
9 misconduct, or the imposition of a sentence that is above  
10 the statutory maximum.

11           Have you discussed this waiver with your  
12 attorney? Have you discussed your waiver of your right to  
13 appeal?

14           DEFENDANT PENILLA: Yeah.

15           DEFENDANT SHICKLES: Yes, your Honor.

16           THE COURT: Do you understand you are waiving  
17 your right to appeal?

18           DEFENDANT PENILLA: Yes, I do, sir.

19           DEFENDANT SHICKLES: Yes, your Honor.

20           THE COURT: Okay. To the extent that the  
21 government and I believe it is making recommendations  
22 regarding your sentence, do you understand that the terms  
23 of the plea agreement are only recommendations to the  
24 district judge and that the district judge can reject  
25 those recommendations without permitting you to withdraw

1 your plea of guilty and impose a sentence that is more  
2 severe than you may anticipate?

3 DEFENDANT PENILLA: Yes, I do.

4 DEFENDANT SHICKLES: Yes, your Honor.

5 THE COURT: Mr. Penilla, Mr. Shickles and, Mr.  
6 Ramos-Beltran, your cases are proceeding on the basis of  
7 an information, or in your case, Mr. Penilla, a  
8 superseding information. That's a written document  
9 charging a crime, filed by the U.S. Attorney's Office.  
10 The charges against you are felonies. You have the right  
11 to require the government to present its evidence to a  
12 grand jury to determine whether it would return an  
13 indictment against you. You can waive this right and  
14 agree to proceed today on the basis of an information.

15 Do you understand this right?

16 DEFENDANT PENILLA: Yes, I do.

17 DEFENDANT SHICKLES: Yes, your Honor.

18 DEFENDANT RAMOS-BELTRAN: No.

19 THE COURT: Okay. So the charge against you --  
20 and I don't have a copy of your information in front of  
21 me, but it's -- because it's a felony, the government --  
22 you can require the government to go in front of a grand  
23 jury and get a charging instrument called an indictment  
24 against you, which basically means if they go to a grand  
25 jury and present your case to them, and if the grand jury

1 determines that there is probable cause to believe that  
2 you committed the crime that you are charged with, then  
3 they would return something called an indictment.

4           I have here a waiver of indictment that you  
5 signed saying that you don't care to go through that  
6 process, that you agree to waive that part of this process  
7 and just go forward on the information, which is the  
8 current charging document against you.

9           Do you wish -- do you confirm that you do wish to  
10 waive your indictment or -- and go forward with your  
11 guilty plea as it is with an information? Or do you want  
12 to hold the government to its duty to get an indictment  
13 absent a waiver?

14           DEFENDANT RAMOS-BELTRAN: Can I know what the  
15 charges are?

16           THE COURT: Yeah. Well, Mr. Aldredge, do you  
17 want to discuss this with your client?

18           MR. ALDREDGE: Yes, your Honor.

19           THE COURT: I'm not doing a very good job of  
20 explaining it. Maybe --

21           MR. ALDREDGE: Believe me, I've spent 23 years  
22 trying to figure out that that's --

23           THE COURT: Yeah.

24           (Off-the-record discussion between

25           Defendant Ramos-Beltran and his attorney.)

1 MR. ALDREDGE: Okay. Thank you, your Honor.

2 THE COURT: Do you wish to waive your right to an  
3 indictment?

4 DEFENDANT RAMOS-BELTRAN: Yes.

5 THE COURT: Very good. Mr. Penilla, you are  
6 pleading to Count 1 of your superseding information, which  
7 charges you with conspiracy to possess with intent to  
8 distribute controlled substances, namely, cocaine. That  
9 charge carries with it a term of imprisonment of not more  
10 than 20 years, a term of supervised release of at least  
11 three years and up to life, a fine of \$1 million, and a  
12 special assessment of \$100.

13 Mr. Shickles, you're pleading to Count 1 of your  
14 information, which charges you with wire fraud, in  
15 violation of Title 18, United States Code, Sections 1343  
16 and 1349, and that charge carries with it a term of  
17 imprisonment of not more than 20 years, a term of  
18 supervised release of not more than three years, a fine of  
19 \$250,000, or twice the gain or loss applicable forfeiture  
20 and restitution here. That means that you've agreed that  
21 the loss amount, restitution amount, and forfeiture amount  
22 is \$2,171,273.36 and a special assessment of \$100.

23 Mr. Coahuilas-Coahuilas and, Mr. Ramos-Beltran,  
24 you both are pleading guilty to a violation of Title 8,  
25 Section 1326 of the United States Code, which prohibits

1 the illegal reentry of a previously deported alien. That  
2 charge carries with it a term of imprisonment of up to two  
3 years, a fine of up to \$250,000, and a term of supervised  
4 release of one year.

5 If your deportation was subsequent to a  
6 conviction of three or more misdemeanors involving drugs,  
7 crimes against a person, or both, or of a felony other  
8 than an aggravated felony, then up to 10 years of  
9 imprisonment, a \$250,000 fine, and a term of supervised  
10 release of three years.

11 Or if the deportation was subsequent to a  
12 conviction for commission of an aggravated felony, then up  
13 to 20 years imprisonment, a \$250,000 fine, and a term of  
14 supervised release of three years -- up to three years.  
15 All of those also include a special assessment of \$100.

16 I'll ask this question to each of you. Do you  
17 understand the charge and the range of penalty -- of  
18 punishment that you face, starting with you, Mr. Penilla?

19 DEFENDANT PENILLA: Yes, your Honor, I do.

20 THE COURT: Mr. Shickles?

21 DEFENDANT SHICKLES: Yes, your Honor.

22 THE COURT: Mr. Coahuilas-Coahuilas?

23 DEFENDANT COAHUILAS-COAHUILAS: Yes.

24 THE COURT: Mr. Ramos-Beltran?

25 DEFENDANT RAMOS-BELTRAN: Yes.

1           THE COURT: Do you understand that the sentence  
2 imposed in this case could run consecutive to any term of  
3 imprisonment, probation, parole, or release that you may  
4 be serving for any other offense?

5           DEFENDANT PENILLA: Yes, I do, your Honor.

6           DEFENDANT SHICKLES: Yes, your Honor.

7           DEFENDANT COAHUILAS-COAHUILAS: Yes.

8           DEFENDANT RAMOS-BELTRAN: Yes.

9           THE INTERPRETER: "Yes" by both.

10          THE COURT: Do you understand that under federal  
11 law, there is no parole and you must serve the time to  
12 which you are sentenced?

13          DEFENDANT PENILLA: Yes, I do, your Honor.

14          DEFENDANT SHICKLES: Yes, your Honor.

15          DEFENDANT COAHUILAS-COAHUILAS: Yes.

16          DEFENDANT RAMOS-BELTRAN: Yes.

17          THE INTERPRETER: "Yes" by both.

18          THE COURT: Mr. Penilla, are you a United States  
19 citizen?

20          DEFENDANT PENILLA: Yes, sir.

21          THE COURT: And, Mr. Shickles, we've discussed  
22 this already with respect to you, but are you a United  
23 States citizen?

24          DEFENDANT SHICKLES: Yes, your Honor.

25          THE COURT: Okay. Mr. Coahuilas-Coahuilas, and,

1 Mr. Ramos-belt, have you discussed with your attorney the  
2 effects or consequences of your guilty plea on your  
3 immigration status?

4 DEFENDANT COAHUILAS-COAHUILAS: Yes, sir.

5 DEFENDANT RAMOS-BELTRAN: Yes.

6 THE INTERPRETER: "Yes" by both.

7 THE COURT: I need to be sure that you understand  
8 that by pleading guilty, there may be adverse effects on  
9 any pending or future claims related to your immigration  
10 status. You may eventually be deported and removed from  
11 the United States. In fact, for our purposes today, you  
12 should assume you'll be deported or removed. Your guilty  
13 plea may prevent you from ever lawfully entering or  
14 residing in the United States. And you may be denied the  
15 opportunity to become a naturalized citizen of the United  
16 States or a permanent resident alien or achieve any legal  
17 status in the United States.

18 Knowing that your guilty plea may have these and  
19 other consequences on your immigration status, do you  
20 still want to plead guilty?

21 DEFENDANT COAHUILAS-COAHUILAS: Yes, sir.

22 DEFENDANT RAMOS-BELTRAN: Yes.

23 THE INTERPRETER: "Yes" by both.

24 THE COURT: Let's discuss your supervised  
25 release. You may also be sentenced to serve a term of

1 supervised release, which is a period of supervision after  
2 the completion of any term of imprisonment. In your case,  
3 Mr. Penilla, your supervised release will last at least  
4 three years and up to life.

5 Mr. Shickles, yours would last not more than  
6 three years.

7 Mr. Coahuilas-Coahuilas, and, Mr. Ramos-Beltran,  
8 your term of supervised release would last up to three  
9 years.

10 During any term of supervised release, you must  
11 comply with the conditions set by the district judge and  
12 be supervised by the U.S. Probation Office. If you're  
13 deported, there is no reporting requirement, but you would  
14 be ordered not to return to the U.S. without proper  
15 authorization, but if you did, you must report to the  
16 nearest probation office.

17 Failure to comply with the terms of your  
18 supervised release could result in revocation and an  
19 additional term of imprisonment. If revoked, you would  
20 get no credit for the time you served on supervised  
21 release.

22 Do you understand what I've said about supervised  
23 release?

24 DEFENDANT PENILLA: Yes, I do, your Honor.

25 DEFENDANT SHICKLES: Yes, your Honor.

1 DEFENDANT COAHUILAS-COAHUILAS: Yes, sir.

2 DEFENDANT RAMOS-BELTRAN: Yes.

3 THE INTERPRETER: "Yes" by both.

4 THE COURT: We will now discuss your sentencing.

5 When the district court decides your sentence, the Court  
6 will calculate the applicable sentencing guidelines range  
7 and consider that range and any departures from the  
8 sentencing guidelines. The Court will also consider  
9 additional statutory factors, including the nature and  
10 circumstances of your offense, your history and  
11 characteristics, the seriousness of the offense, the need  
12 to promote respect for the law, provide for just  
13 punishment, afford adequate deterrence and protect the  
14 public, and the need to provide you with any educational  
15 or vocational training or medical care, to avoid  
16 unwarranted sentencing disparities, and provide  
17 restitution to any victims of your offense.

18 The district court has discretion to impose a  
19 sentence within the guidelines or above or below. The  
20 guidelines are not binding on the district court.

21 Have you discussed with your attorney the law on  
22 sentencing, including the possible effect that the  
23 sentencing guidelines will have on your sentence in this  
24 case?

25 DEFENDANT PENILLA: Yes, I did, your Honor.

1 DEFENDANT SHICKLES: Yes, your Honor.

2 DEFENDANT COAHUILAS-COAHUILAS: Yes, sir.

3 DEFENDANT RAMOS-BELTRAN: Yes.

4 THE INTERPRETER: "Yes" by both.

5 THE COURT: Do you understand that before you  
6 enter your guilty plea, no one can know, and you do not  
7 know, what your eventual sentence will be other than it  
8 won't be greater than the maximum I mentioned before?

9 DEFENDANT PENILLA: Yes, I do, your Honor.

10 DEFENDANT SHICKLES: Yes, your Honor.

11 DEFENDANT COAHUILAS-COAHUILAS: Yes, sir.

12 DEFENDANT RAMOS-BELTRAN: Yes.

13 THE INTERPRETER: "Yes" by both.

14 THE COURT: Do you have any questions about  
15 sentencing?

16 DEFENDANT PENILLA: No, I don't.

17 DEFENDANT SHICKLES: No, your Honor.

18 DEFENDANT COAHUILAS-COAHUILAS: No.

19 DEFENDANT RAMOS-BELTRAN: No.

20 THE INTERPRETER: "No" by both.

21 THE COURT: I will now advise you of several of  
22 your rights. You have the right to plead not guilty. You  
23 would then be entitled to a jury trial. You're entitled  
24 to representation by an attorney at all stages of the  
25 proceedings. At trial, you would be presumed to be

1 innocent. The government would have to prove your guilt  
2 beyond a reasonable doubt. The jury verdict would have to  
3 be unanimous. You would have the right to cross-examine  
4 government witnesses and to present evidence, including  
5 the right to subpoena witnesses. But you would never have  
6 to prove your innocence and you would not be required to  
7 call witnesses. Your case could include your testimony,  
8 but you would also have the right to not testify and the  
9 government could not require you to testify.

10           If you elected not to testify at trial, the Court  
11 would instruct the jury that they could make no inference  
12 of guilt based on that decision. By pleading guilty, you  
13 waive your right to trial as well as the other rights I've  
14 just described. If the district court accepts your guilty  
15 plea, there will be no trial and the Court will enter a  
16 judgment of guilty and sentence you after considering a  
17 presentence report, which we will discuss further in a  
18 minute.

19           Do you understand that if you plead guilty, you  
20 waive your right to a jury trial and all the other rights  
21 I've just described?

22           DEFENDANT PENILLA: Yes, your Honor.

23           DEFENDANT SHICKLES: Yes, your Honor.

24           DEFENDANT COAHUILAS-COAHUILAS: Yes, sir.

25           DEFENDANT RAMOS-BELTRAN: Yes.

1                   THE INTERPRETER: "Yes" by both.

2                   THE COURT: If you plead guilty, the Court may  
3 ask you questions about your offense. I need to advise  
4 you that if you answer those questions under oath and in  
5 the presence of your attorney and your answers are not  
6 truthful, the government could prosecute you for false  
7 statement or perjury.

8                   Mr. Penilla, and, Mr. Shickles, you both signed  
9 plea agreements. Those plea agreements included a written  
10 factual basis which summarized the facts underlying your  
11 arrest.

12                  Can you confirm that the facts -- the factual  
13 basis in your plea agreement is accurate?

14                  DEFENDANT PENILLA: Yes, it is, your Honor.

15                  DEFENDANT SHICKLES: Yes, your Honor.

16                  THE COURT: Do you have any questions concerning  
17 the factual basis?

18                  DEFENDANT PENILLA: No, I don't, your Honor.

19                  DEFENDANT SHICKLES: No, your Honor.

20                  THE COURT: Are those facts true?

21                  DEFENDANT PENILLA: Yes, your Honor.

22                  DEFENDANT SHICKLES: Yes, your Honor.

23                  THE COURT: Mr. Devlin, will you please summarize  
24 the factual basis for the charges against Mr.  
25 Coahuilas-Coahuilas and Mr. Ramos-Beltran.

1                   MR. DEVLIN: Yes. I'm going to summarize those  
2 together.

3                   In each of these cases, had these matters  
4 proceeded to trial, the United States Attorney was  
5 prepared to prove the following facts beyond a reasonable  
6 doubt:

7                   Each defendant, an alien, was removed and  
8 deported from the United States and at a later date, was  
9 found in the United States in the Western District of  
10 Texas. As to Defendant Coahuilas-Coahuilas, he was  
11 removed and deported to Mexico on or about December 4th,  
12 2020, and subsequently found in the United States on or  
13 about August 7, 2022.

14                  As to Defendant Ramos-Beltran, he was removed and  
15 deported to Mexico on or about October 20th, 2013, and  
16 subsequently found in the United States on or about August  
17 17, 2022.

18                  At the time of each defendants' removal and  
19 deportation, immigration officers obtained each  
20 defendant's fingerprints on a warrant of removal and  
21 deportation, which was included in the official records  
22 pertaining to each defendants' removal. After having been  
23 removed from the United States, neither of the defendants  
24 obtained the consent of the Secretary of Homeland Security  
25 or the Attorney General of the United States to reapply

1 for admission to the United States.

2 Through fingerprint comparison, each defendant  
3 was verified to be the same person who was removed and  
4 deported from the United States as indicated on the  
5 warrant of removal and deportation pertaining to him. And  
6 that, in summary, would be the evidence presented in both  
7 of these cases.

8 THE COURT: Thank you.

9 Mr. Coahuilas-Coahuilas, can you confirm that the  
10 facts that the Assistant U.S. Attorney just summarized are  
11 accurate?

12 DEFENDANT COAHUILAS-COAHUILAS: Yes.

13 THE COURT: Do you have any questions concern the  
14 factual basis?

15 DEFENDANT COAHUILAS-COAHUILAS: No.

16 THE COURT: Are those facts true?

17 DEFENDANT COAHUILAS-COAHUILAS: Yes.

18 THE COURT: Same questions to you, Mr.  
19 Ramos-Beltran.

20 Can you confirm that the facts that Mr. Devlin  
21 just summarized are accurate?

22 DEFENDANT RAMOS-BELTRAN: Yes.

23 THE COURT: Do you have any questions concerning  
24 the factual basis?

25 DEFENDANT RAMOS-BELTRAN: No.

1           THE COURT: Are those facts true?

2           DEFENDANT RAMOS-BELTRAN: Yes.

3           THE COURT: Understanding the possible penalties  
4 you face and the rights you're giving up, how do you plead  
5 to the charge, guilty or not guilty?

6           DEFENDANT PENILLA: Guilty, your Honor.

7           DEFENDANT SHICKLES: Guilt, your Honor.

8           DEFENDANT COAHUILAS-COAHUILAS: Guilty.

9           DEFENDANT RAMOS-BELTRAN: Guilty.

10          THE INTERPRETER: "Guilty" by both.

11          THE COURT: Are you pleading guilty freely and  
12 voluntarily?

13          DEFENDANT PENILLA: Yes, your Honor.

14          DEFENDANT SHICKLES: Yes, your Honor.

15          DEFENDANT COAHUILAS-COAHUILAS: Yes, sir.

16          DEFENDANT RAMOS-BELTRAN: Yes.

17          THE INTERPRETER: "Yes, sir" and "Yes" by both.

18          THE COURT: Has anyone threatened you or forced  
19 you in any way to plead guilty?

20          DEFENDANT PENILLA: No, your Honor. I'm  
21 responsible.

22          DEFENDANT SHICKLES: No, your Honor.

23          DEFENDANT COAHUILAS-COAHUILAS: No, sir.

24          DEFENDANT RAMOS-BELTRAN: No.

25          THE INTERPRETER: "No, sir," "No" by both.

1           THE COURT: Has anyone made any promise to you  
2 other than the plea agreements in your cases causing you  
3 to plead guilty?

4           DEFENDANT PENILLA: No, your Honor.

5           DEFENDANT SHICKLES: No, your Honor.

6           DEFENDANT COAHUILAS-COAHUILAS: No, sir.

7           DEFENDANT RAMOS-BELTRAN: No.

8           THE INTERPRETER: "No, sir," "No" by both.

9           THE COURT: Are you pleading guilty because you  
10 are guilty and for no other reason?

11          DEFENDANT PENILLA: Yes, I do, your Honor.

12          DEFENDANT SHICKLES: Yes, your Honor.

13          DEFENDANT COAHUILAS-COAHUILAS: Yes, sir.

14          DEFENDANT RAMOS-BELTRAN: Yes.

15          THE INTERPRETER: "Yes, sir," "Yes" by both.

16          THE COURT: I find that your plea of guilty is  
17 freely and voluntarily made. You understand the nature of  
18 the charges and penalties you face. You understand your  
19 constitutional and statutory rights and you choose to  
20 waive them. You are competent to enter a plea of guilty.  
21 You are satisfied with your attorney's representation in  
22 the case.

23          That, Mr. Penilla and, Mr. Shickles, you  
24 understand your plea agreement and agree to be bound by  
25 its terms and that there is a factual basis for the pleas

1 in all of your cases.

2           I will recommend to the district court that based  
3 on the statements you have made under oath that your plea  
4 of guilty should be accepted.

5           Your case will now be referred to the U.S.  
6 Probation Office to prepare a presentence investigation  
7 report. A copy of that report will be provided to you  
8 through counsel at least 35 days before sentencing. You  
9 will then have 14 days to make written objections.

10          Any objections that cannot be resolved between  
11 you, your attorney, the government, and the probation  
12 office will be resolved by the district court before  
13 sentencing.

14          Is there anything else for us to address today  
15 with respect to Mr. Penilla, Mr. Devlin?

16          MR. DEVLIN: No, your Honor.

17          THE COURT: Ms. Vazquez?

18          MS. VAZQUEZ: No, your Honor.

19          THE COURT: With respect to Mr.  
20 Coahuilas-Coahuilas?

21          MR. DEVLIN: No, sir.

22          MR. ALDREDGE: No.

23          THE COURT: And, Mr. Ramos-Beltran?

24          MR. DEVLIN: No, sir.

25          MR. ALDREDGE: No, your Honor.

1           THE COURT: Very good. Then I will excuse those  
2 three defendants.

3           Mr. Shickles, I understand from our Pretrial  
4 Services department that you've been in compliance with  
5 the terms of your release. So absent an objection from  
6 the government, you can remain out of custody on your  
7 original bond.

8           Any objection from the government?

9           MR. DEVLIN: No objection.

10          THE COURT: You must agree to continue to abide  
11 by the conditions governing your release and to appear for  
12 all future court proceedings.

13          Do you understand that?

14          DEFENDANT SHICKLES: Yes, your Honor.

15          THE COURT: Any questions for me?

16          DEFENDANT SHICKLES: No, your Honor.

17          THE COURT: Anything else for us to address  
18 today, Mr. Devlin?

19          MR. DEVLIN: Nothing from the government.

20          THE COURT: Mr. Aldredge?

21          MR. ALDREDGE: No, your Honor.

22          THE COURT: All right. Thank you. You are  
23 excused.

24          MR. ALDREDGE: Thank you.

25          (Proceedings conclude at 2:36 p.m.)

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## REPORTER'S CERTIFICATE

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I, LILY I. REZNIK, DO HEREBY CERTIFY THAT THE FOREGOING  
WAS TRANSCRIBED FROM AN ELECTRONIC RECORDING MADE AT THE  
TIME OF THE AFORESAID PROCEEDINGS AND IS A CORRECT  
TRANSCRIPT, TO THE BEST OF MY ABILITY, MADE FROM THE  
PROCEEDINGS IN THE ABOVE-ENTITLED MATTER, AND THAT THE  
TRANSCRIPT FEES AND FORMAT COMPLY WITH THOSE PRESCRIBED BY  
THE COURT AND JUDICIAL CONFERENCE OF THE UNITED STATES,  
ON THIS 19th DAY OF AUGUST, 2023.

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LILY I. REZNIK, CRR, RMR  
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Expires: 1-31-25

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